

REMARKS/ARGUMENTS

Various claims are being amended as shown above. No new matter is being added by virtue of the amendment to the claims.

In section 1 of the office action, claim 1 was objected to because of an informality. In response to the claim objection, claim 1 is being amended above to recite ACPI as Advanced Configuration and Power Interface. For the above reason, Applicants request reconsideration and withdrawal of the objection to the claims.

In section 2 of the office action, claim 13 was rejected under 35 U.S.C. 101 because allegedly the claimed invention is directed to non-statutory subject matter since the claimed invention allegedly fails to fall within any of the categories of patentable subject matter set forth in section 101. Applicants respectfully traverse the rejection.

In response to rejection, claim 13 is being amended to recite the tangible item of a machine-readable storage medium. Additionally, it is respectfully asserted that the filed specification, in page 21, lines 23-26, discusses that embodiments of the invention can be implemented by a program or code that can be stored in a machine-readable medium to permit a computer to perform any of the methods described in the specification. Additionally, it is respectfully asserted that MPEP 2106.01 states that a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. MPEP 2106.01; see also, In

re Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035 (Fed. Cir. 1994).

For the above reason, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

In section 3 of the office action, claims 1-4 and 7-13 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jain, et al. (U.S. Pat. No. 5,615,167) in view of Raatikainen, et al. (U.S. Pat. No. 5,886,992).

Applicants respectfully traverse the rejection.

Jain is directed to a multiprocessor computer system 110 (Figure 1) where the semaphore lock flag 116 permits or prevents a processor to write to a shared memory 142. The Examiner correctly admits in the office action that Jain does not expressly teaches wherein a "turn flag" is being used by the first or second entity in order to have the access to the intended resource. In an attempt to overcome the deficiencies of Jain, the Examiner relies on Raatikainen in an attempt to show various features.

However, Raatikainen is directed to a system 100 where a turn flag grants a turn to a node if the node has data to send, if an incoming data frame to the node is not empty and if the incoming request line is in an off state. A node can transmit a data frame to other nodes if the node is granted the turn. Therefore, Raatikainen does not disclose the use of turn flag that indicates if an entity has a turn to access a critical section of a shared memory. Furthermore, Raatikainen also does not disclose a method where a first entity grants the second entity a turn to access a critical section if the first entity has the turn to access the critical section. Accordingly, independent claim 1

distinguishes over Jain and Raatikainen by reciting various features that are not disclosed or suggested by Jain and Raatikainen. Accordingly, claim 1 is patentable over the combination of Jain and Raatikainen.

Claims 8, 12, and 13 are also being amended to recite various features that are not disclosed or suggested by Jain and Raatikainen. Accordingly, claims 8, 12, and 13 are each patentable over the combination of Jain and Raatikainen.

Claims 2-4, 7, and 9-11 depend from one of claims 1 or 8, and are each patentable over the combination of Jain and Raatikainen for at least the same reasons that their respective base claim is patentable over the cited references, considered singly or in combination. Furthermore, each of the claims 2-4, 7, and 9-11 distinguishes over the combination of Jain and Raatikainen by reciting additional features.

Furthermore, it would not have been obvious to combine Jain and Raatikainen as suggested in the office action because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in the references on how to modify the elements in the references so that the system of Jain can work with the elements disclosed in Raatikainen. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Jain to work with the elements disclosed in Raatikainen. Therefore, the combination of Jain and Raatikainen is improper.

Accordingly, claims 2-4, 7, and 9-11 are each patentable over the combination of Jain and Raatikainen.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In the office action, claims 5 and 6 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jain and Raatikainen, as applied to claim 1 and further in view of Wunderlich, et al. (U.S. Pat. No. 6,584,573). Applicants respectfully traverse the rejection.

The Examiner correctly admits in the office action that the Jain-Raatikainen combination does not disclose expressly wherein the first entity is an ACPI subsystem and the second entity is the system firmware in a semaphore process. In an attempt to overcome the deficiencies of the Jain-Raatikainen combination, the Examiner relies on Wunderlich in an attempt to show various features.

Claims 5-6 depend from claim 1, and are each patentable over the combination of the Jain-Raatikainen-Wunderlich combination for at least the same reasons that their respective base claim is patentable over the cited references, considered singly or in combination. Furthermore, each of the claims 5-6 distinguishes over the combination of the Jain-Raatikainen-Wunderlich combination by reciting additional features.

Furthermore, it would not have been obvious to combine Jain and Raatikainen and Wunderlich as suggested in the office action because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For

example, there is no suggestion in the references on how to modify the elements in the references so that the system of Jain can work with the elements disclosed in Raatikainen and Wunderlich. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Jain to work with the elements disclosed in Raatikainen and in Wunderlich. Therefore, the combination of Jain and Raatikainen and Wunderlich is improper.

Accordingly, claims 5-6 are each patentable over the combination of Jain and Raatikainen and Wunderlich.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

Applicants respectfully request allowance of all pending claims.


If the undersigned attorney has overlooked a teaching in the cited reference that is relevant to the allowability of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.

CONTACT INFORMATION

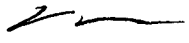
If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.

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Respectfully submitted,
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